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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202219
Party	Plaintiff Eat Right Foods Ltd.
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Date	09/25/2012
Attachments	Notice of Reliance No.43.pdf (4 pages)(1841020 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EAT RIGHT FOODS LTD.,

Opposer,

v.

KEVIN LEVILLE,

Applicant.

Opp. No.: 91202219

Ser. No.: 77/868,068

Date of Publication:

April 26, 2011

OPPOSER EAT RIGHT FOODS LTD.'S
NOTICE OF RELIANCE NO. 43

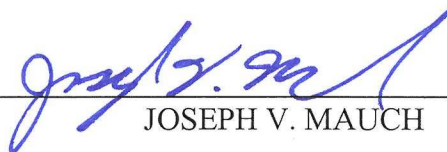
TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to 37 C.F.R. § 2.122(e) and 704.03(b)(1)(B) of the Trademark Trial and Appeal Board Manual of Practice and Procedure, Opposer Eat Right Foods Ltd. provides Notice of Reliance on Third-Party Registration No. 4,200,134, prepared and issued by the United States Patent and Trademark Office, submitted herewith.

Dated: September 25, 2012.

Respectfully Submitted,
SHARTSIS FRIESE LLP

By: _____


JOSEPH V. MAUCH

Attorneys for Opposer
EAT RIGHT FOODS LTD.

United States of America

United States Patent and Trademark Office

ESSENTIAL EVERYDAY

Reg. No. 4,200,134

Registered Aug. 28, 2012

**Int. Cls.: 3, 4, 5, 16, 21,
29, 30, and 32**

TRADEMARK

PRINCIPAL REGISTER

SUPERVALU INC. (DELAWARE CORPORATION)
7075 FLYING CLOUD DRIVE
EDEN PRAIRIE, MN 55344

FOR: HOUSEHOLD DETERGENTS, LAUNDRY BLEACH, FABRIC SOFTENERS AND STAIN REMOVERS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

FOR: CHARCOAL LIGHTER FLUID; CHARCOAL BRIQUETTES; INSTANT LIGHT CHARCOAL AND MESQUITE BRIQUETTES, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

FIRST USE 12-3-2011; IN COMMERCE 12-3-2011.

FOR: HOUSEHOLD PRODUCTS, NAMELY, DISINFECTANT BATHROOM CLEANERS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 5-13-2012; IN COMMERCE 5-13-2012.

FOR: PAPER COFFEE FILTERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 1-2-2012; IN COMMERCE 1-2-2012.

FOR: HOUSEHOLD PRODUCTS, NAMELY, SCOURING PADS AND SPONGES FOR HOUSEHOLD PURPOSES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 4-26-2012; IN COMMERCE 4-26-2012.

FOR: MEAT, FISH, SEAFOOD, POULTRY, CHEESES, SOUPS, CANNED VEGETABLES, CANNED FRUITS, NON-DIARY COFFEE CREAMER, PROCESSED OLIVES, WHIPPED TOPPING, CANNED TUNA FISH, PROCESSED NUTS, DRIED BEANS, BAKED BEANS, OLIVE OIL, CANNED TOMATOES, CANNED BLACK BEANS, BEEF JERKY, CHEESE SPREADS, PROCESSED FRUIT, PROCESSED VEGETABLES, FROZEN POTATOES, FROZEN VEGETABLES, FROZEN FRUITS AND CREAM CHEESE; FROZEN TOPPINGS, NAMELY, STRAWBERRY TOPPING, IN CLASS 29 (U.S. CL. 46).

FIRST USE 12-24-2011; IN COMMERCE 12-24-2011.



David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 4,200,134 FOR: BREAD, CROUTONS, CRACKERS, SALAD DRESSING, BREAKFAST CEREAL, MAYONNAISE, KETCHUP, MUSTARD, OATMEAL, SEASONINGS, RICE, SUGAR, PASTA, PASTA SAUCE, SAUCES, PANCAKE SYRUP, TEA, HORSERADISH, BARBECUE SAUCE, WAFFLES, BAKERY GOODS, SALSA, GRAVY, UNPOPPED POPCORN, COCOA, TOMATO SAUCE, PUDDING, SPAGHETTI SAUCE, STEW BASE SAUCE FOR MEAT, GROUND COFFEE, BREAD CRUMBS, READY-TO-EAT CEREAL DERIVED FOOD BARS, MACARONI AND CHEESE, RICE CAKES, GRANOLA-BASED SNACK BARS, SOY SAUCE, PIE SHELLS, GRITS, HOMINY, PRETZELS, GRANOLA, FROZEN PIZZA, NOODLES AND MARINADES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 6-15-2011; IN COMMERCE 6-15-2011.

FOR: BEVERAGES, NAMELY, SOFT DRINKS AND SMOOTHIES , IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 9-16-2011; IN COMMERCE 9-16-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-977,016, FILED 10-29-2010.

TASNEEM HUSSAIN, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.